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ceed to the consideration of Calendar 1408, H.R. 5498.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 5498) to provide temporary authority for the sale of certain public lands.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 10, after the word "commercial", to insert "agricultural,"; on page 2, line 16, after the word "development.", to strike out "Nothing herein contained, however, shall be construed as requiring the Secretary of the Interior to withhold sale of the lands until zoning action has been completed." and insert "Patents and other evidences of title shall not be issued under the authority of this Act until zoning regulations enacted by the appropriate local authority shall be in effect."; on page 3, line 9, after the word "laws.", to strike out "Patents and other evidences of title shall also contain such conditions, reservations, and reasonable restrictions as the Secretary of the Interior considers necessary in the public interest including, but not limited to, such conditions as the Secretary may deem necessary to insure proper development of the lands after they have passed from Federal ownership. and insert "Patents and other evidences of title may contain such reservations and reasonable restrictions as are necessary in the public interest, but no restriction to insure proper development of the lands after they have passed from Federal ownership shall be imposed."; on page 4, after line 20, to insert a new section as follows:

SEC. 6. Ninety per centum of the proceeds from lands sold in the State of Alaska pursuant to this Act shall be transferred to the State of Alaska in consideration for which the State shall surrender its right to select an equal acreage of land pursuant to section 6(b) of the Alaska Statehood Act (72 Stat. 339).

On page 5, at the beginning of line 3, to change the section number from "6" to "7"; in line 4, after the word "expire", to strike out "June 30, 1968" and insert "December 31, 1968"; in line 6, after the word "to", to strikeout "June 30, 1968" and insert "December 31, 1968"; and in line 8, after the word "after", to strike out "June 30, 1968" and insert "December 31, 1968".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BIBLE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement explaining the necessity and purpose of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The purpose of H.R. 5498 is to provide authority, under legislative guidelines, for the Secretary of the Interior to sell limited tracts of certain of the public lands of the United States to meet the rapidly increasing needs of local governments and private enterprise. Thus, instead of being held by the Federal Government centralized in Washington, the lands which meet the criteria for sale set forth in the bill will be subject to acquisition by State and local governments, and by private individuals who will put them to constructive use.

The need to get more land into local government and private hands is self-evident to anyone familiar with the growth and development of the population and economy of the West. The Federal Government owns a tremendous proportion of the lands in most Western States, ranging up to 87 percent in Nevada, approximately 50 percent in California, and so on.

Present laws for disposal by the Federal Government of these lands are antiquated and wholly inadequate to meet today's needs. This fact is attested to by the executive communication of February 27, 1963, transmitting a draft of proposed legislation, out of which H.R. 5498 was evolved, and was further emphasized at the committee's hearings on the measure by the Director of the Bureau of Land Management.

H.R. 5498 would not repeal any existing laws, and, as pointed out, it is keyed to and is complementary to the study of the Land Law Review Commission. Pending competition of that study, the bill would provide temporary authority, under adequate legislative safeguards, to meet the situation which in many instances is one of emergency.

It is not anticipated that there will be any increase in budgetary requirements as a result of enactment of H.R. 5498. On the contrary, the sales made under it will bring additional revenues into the Federal Treasury, and the development that will result from getting more lands into constructive use will spur the economy.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 5498) was passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 1123) to provide for the construction of the Lower Teton division of the Teton Basin Federal reclamation project, Idaho, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. ROGERS of Texas, Mr. UDALL, Mr. SAYLOR, and Mr. ANDREWS of North Dakota were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed severally to the amendment of the Senate to the following bills of the House:

H.R. 3672. An act to provide for the construction, operation, and maintenance of the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa participating reclamation projects under the Colorado River Storage Project Act;

H.R. 8355. An act to amend the Life Insurance Company Act of the District of Columbia (48 Stat. 1145), approved June 19, 1934, as amended; and

H.R. 8451. An act to amend the District of Columbia Sales Tax Act, as amended, relating to certain sales to common carriers or sleeping-car companies.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 8344) to amend the Railway Labor Act to provide that the terms of office of members of the National Mediation Board shall expire on July 1.

The message also announced that the House concurred in the amendments of the Senate numbered 1, 2, 3, 5, and 6 to the bill (H.R. 11241) to amend the Public Health Service Act to increase the opportunities for training professional nursing personnel, and for other purposes, and that the House concurred in the amendment of the Senate numbered 4 to the bill, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the joint resolution (H.J. Res. 733) to designate the powerhouse on Clear Creek at the head of Whiskeyton Reservoir, in the State of California, as Judge Francis Carr Powerhouse.

The message also announced that the House had passed a bill (H.R. 11926) defining the jurisdiction of the U.S. Supreme Court and all Federal courts inferior thereto, in certain instances, in which it requested the concurrent of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 793. An act to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project; and

S. 1007. An act to guarantee electric consumers in the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region and to guarantee electric consumers in other regions reciprocal priority, and for other purposes.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

JURISDICTION OF SUPREME COURT AND FEDERAL COURTS IN CERTAIN INSTANCES

Mr. THURMOND. Mr. President——

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent to speak from the desk of the senior Senator from Louisiana [Mr. ELLENDER].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask that House bill 11926 be read the first time.

The PRESIDING OFFICER. The bill will be stated by title.

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The LEGISLATIVE CLERK. A bill (H.R. 11926) to define the jurisdiction of the U.S. Supreme Court and all Federal courts inferior thereto in certain instances.

Mr. THURMOND. Mr. President, I object to a second reading of the bill on this legislative day.

The PRESIDING OFFICER. Under rule XIV, the bill will lie over.

Mr. DIRKSEN. Mr. President, what was the ruling of the Chair?

The PRESIDING OFFICER. The question is, Shall the bill be read a second time?

Mr. THURMOND. Mr. President, I object to a second reading on this legislative day.

The PRESIDING OFFICER. Let the question be formally put to the Senate.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state his parliamentary inquiry.

Mr. DOUGLAS. Would the objection of one Senator prevent a second reading of the bill on this day?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOUGLAS. I object.

Mr. THURMOND. I have already objected to it.

Mr. DOUGLAS. That makes two of us.

Mr. THURMOND. Mr. President, do I correctly understand that a second reading of the bill will not take place until an adjournment has occurred and another legislative day has happened?

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). That is correct.

Mr. THURMOND. Now, Mr. President, on the next legislative day I shall object to any further proceedings on H.R 11926 and ask that the bill be placed on the calendar

Mr. PROXMIRE. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I yield.

Mr. PROXMIRE. The Senator from South Carolina, as I understand, supported the position of the Senator from Georgia [Mr. RUSSELL] when the civil rights bill came to the Senate this year. This is the precise opposite of the procedure now being followed by the Senate, a procedure which the Senator from Georgia argued is no longer valid because of the 1946 Reorganization Act. As I understand the position of the Senator from South Carolina and the Senator from Georgia and others who wanted the civil rights bill to go to the Judiciary Committee, the argument was, that legislation should be required to go to the committees, and the committees should make a record on the legislation, so the Senate could have the benefit of the advice of their legislative committees.

This year, 1964, with the civil rights bill, we did depart from that practice which Senator RUSSELL said was required under the Reorganization Act of 1946, but at that time some of us argued that there had been extensive hearings on the civil rights bill, and others that if the civil rights bill went to the Judiciary Committee it would stay in the committee forever and would not come out. Since we have an entirely different situation with the Tuck bill, and since there have been no hearings held on apportionment before the Senate at all, and this is a bill of far-reaching significance, and the Senate would be much handicapped without adequate consideration in hearings, would not the Senator from South Carolina, on Monday, August 31, when we reconvene, reconsider his approach during this period. Certainly, he is one who has a record which I believe is a very proud and fine record of insisting on committee consideration. Certainly, he recognizes, as all of us recognize, the crucial role which committees play. If the Senator has some reason for fearing that the Judiciary Committee would not give adequate consideration to the bill or would not report it back, I should like to know about it.

Mr. THURMOND. In reply to the Senator from Wisconsin, I will say that I supported the position of the able Senator from Georgia. I thought the able Senator from Georgia was right in that position, but the Presiding Officer ruled otherwise. The Senate took action otherwise. The Senate has established the precedent. Now we are merely following that precedent in asking that the bill be placed on the calendar. There is no difference in the procedure on this and the civil rights bill. I believe that the able Senator from Wisconsin favored putting the civil rights bill on the calendar. He has voted for that precedent. He has helped establish that precedent. The Senate has followed that precedent. We are now asking him to take a dose of his own medicine.

Mr. PROXMIRE. Let me say to the Senator from South Carolina that, first, the situation is different; and, second, I believe that the Senator from South Carolina should take into consideration the fact that this is now being copper riveted as a precedent. There were extraordinary circumstances with the civil rights bill. Hearings had been held for years in both Houses. There was a general consensus that the civil rights bill would never see the light of day if it went to committee. But this bill comes to the Senate under opposite circumstances; there have been no hearings, none. The bill will come out of committee. If we establish this precedent, and if it has the support of the Senator from South Carolina and other southerns who are with him, and no Senator opposes it, we shall be in a position in the Senate in the future where bill after bill after bill is likely to go on the calendar without adequate committee consideration.

I hope that the Senator, who is a reasonable man, will take the next 10 days—which fortunately we have before he can block committee consideration—to think over, to reconsider and to allow the bill to be treated like any other bill, so that we can have the benefit of the committee's advice on something which is of such far-reaching significance.

Mr. DIRKSEN. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. Mr. President, I yield to the Senator from Illinois.

Mr. DIRKSEN. As I understand, the distinguished Senator from South Carolina has only filed an intention of what he proposes to do on the next legislative day; is that correct?

Mr. THURMOND. The Senator is correct. I have objected to the second reading of the bill today.

Mr. DIRKSEN. That is correct.

Mr. THURMOND. I have objected to the second reading of the bill today. Some Senators have said that we could not have a second reading. I wish to follow identically the procedure that was followed on the civil rights bill, H.R. 7152, because back then, on the 17th of February, the majority leader objected to the bill being read the second time, and on the 27th of February it received a second reading. I wanted to be sure that this was done on separate days, so that no one could say there is a distinction between them. The able Senator from Wisconsin is trying to distinguish between what happened on the civil rights bill and on this bill. He cannot do it. There was no emergency to justify bypassing the committee on the civil rights bill. There is an emergency to pass this bill now, or some bill that will give some relief, because the courts have acted, and they are about to enforce these apportionment proceedings. It is urgent, and important that action be taken and taken without delay.

Mr. DIRKSEN. In view of the fact that the Senate has passed an adjournment resolution, the next legislative day will be Monday, August 31?

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. Mr. President, let me reply to the Senator from Wisconsin by saying that the main urgency that was appealed to in the Senate, back yonder, was to pass the civil rights bill in order to stop demonstrations going on all over the country, especially in the South.

Have the demonstrations stopped? There are more demonstrations, there are bigger demonstrations, there are more elaborate demonstrations since the civil rights bill has been enacted than ever before. They have gone on in Rochester, New York City, and many other places. They have not stopped. There was no emergency to pass the civil rights bill. There is an emergency to pass a bill in the nature of the Tuck bill today. The Supreme Court of the United States has handed down its decision that the State legislatures of the 50 States must reapportion their legislatures.

In the first place, the Supreme Court has no jurisdiction in that field. That is a political question, and not a legal question. Therefore, the Supreme Court of the United States has no power in the field.

In the next instance, does not a State and do not the people in a State, speaking through their State legislature, know better what should be the composition of the legislature in their State than nine men sitting in Washington?

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I believe that the people of each State should keep the right that they have under the Constitution to constitute their legislature as they deem it advisable and proper. There is an emergency. There is an emergency to act, and act without delay, because this decision of the Supreme Court is being enforced. There are cases in courts today from several States. These matters will be heard, unless action is taken here. I am anxious that the Tuck bill or a bill of a similar nature be passed.

If the Tuck bill cannot be passed, I would favor the Dirksen amendment. But the Tuck bill ought to be passed. There is an emergency, and there is all the urgency in the world in this situation. There is an emergency here—far more than there was in the case of the civil rights bill. We are following the same procedure now that was followed with regard to the civil rights bill. The proponents did not want the civil rights bill to go to the committee. They would not let the committee report it. They placed it on the calendar. They set the precedent. We did not set it. I am following that procedure, their procedure, the procedure of the Senator from Wisconsin. We are placing it on the calendar and asking that the Senate consider it and vote on it at this session.

Mr. PROXMIRE. Mr. President, the Senator has challenged me to say whether there is a difference. I say to the Senator from South Carolina that there is the sharpest kind of difference. In the field of civil rights, in the past 10 years there were 121 civil rights bills referred to the Judiciary Committee. There were 67 days of hearings. How many bills were reported? One, only one, and that bill was reported only on the instruction to report on a certain day.

We know that the Judiciary Committee will report the Tuck bill under these circumstances. Furthermore, the distinguished Senator from South Carolina talks about an emergency and stresses that as a very important reason for this measure. I agree that there may very well be an emergency. But I believe it is up to the Supreme Court to handle it. The way it handles every other judicial decision. The Senator from South Carolina is a sincere, honest man. I ask him why he wants to place this measure on the calendar. What are we going to do with it? Does he really think the leadership will motion it up?

If the Senate were to send the bill to the Judiciary Committee, we would be advised whether or not it has merit. From everything that I have heard, it has little support in the Senate. Perhaps it has a great deal of support. But if the Senator is serious about getting action on the Tuck bill, I suggest that he would have a far better chance if it were to go to the Judiciary Committee so that there would be some opportunity to have hearings and determine if the bill has merit.

Mr. THURMOND. The Senator from Wisconsin must not feel that it has merit. He has been speaking against it for the past several days. He and his colleagues have been carrying on a filibuster against the principles embodied in the bill. He knows what the bill contains. The bill does not have to be sent to the Judiciary Committee to have it reported and to inform the Senator from Wisconsin, or any other Senator, as to what it contains. Every Senator knows what the Tuck bill contains. On June 16, the day following the latest reapportionment decisions, I introduced a bill similar to the Tuck bill and it is now before the Judiciary Committee.

Every Senator knows whether or not he favors the principles of the Tuck bill. Personally, I am willing to trust the people. I regret that it seems that some Senators are not willing to trust the people. I want to see the people of each State—the people of Wisconsin, too—make the decision as to how they want their legislature constituted.

If they want one body, well and good. If they want two bodies, well and good. If they want to follow the area principle, well and good. If they want to follow the population principle, well and good.

Why not trust the people of Wisconsin to decide this matter? Why does the Senator want the Supreme Court of the United States to decide the question? This is a political question, and not a legal question. And the Supreme Court ab initio, in the first instance, had no jurisdiction in this field.

I yield to the Senator from Louisiana.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. THURMOND. I yield first to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, if we were to pass the Tuck bill and take the Supreme Court out of the business of enforcing the Constitution temporarily, might it not give the Supreme Court some time in which to dream up some scheme by which they might call off the demonstrations and riots in Rochester, New York City, Philadelphia, Camden, Chicago, and various other place where apparently the civil rights demonstrators have migrated, with their outrageous demonstrations, stealing, and rioting away from the South, as a result of the civil rights bill? Might that not give the Supreme Court some time in which to figure out some sort of formula or scheme to protect the North and Midwest? It might work out some kind of formula to do something about all the outrages, riots, and murder in the streets that is going on in the Northern States these days.

Mr. THURMOND. Mr. President, in reply to the Senator from Louisiana, the Senator from South Carolina would say that since the Supreme Court has now become the third legislative body of this Nation, perhaps it will come up with legislation and stop the rioting and demonstrations. The bill passed by Congress failed to halt the riots. Let us give it a breathing spell and an opportunity to do something about that.

The people of the Nation want the right to determine the kind of legislature they want. What is wrong with these legislatures in which State legislators, as in my State, come from areas, and where the House membership is based on population? That is exactly the formula followed in the National Government. That is exactly the way those who wrote the Constitution of the United States provided for the National Government to operate. Little Rhode Island has two Senators. Big Texas and big Alaska have only two Senators. And yet Vermont, Delaware, Nevada, Wyoming, and Alaska have only one Member of the House.

We say that what the States have done is very similar to the way the National Congress is constituted. And States have always applied this principle. What is so wrong with that? But even if it were not correct, that would be a matter for the States.

I repeat that the Union, the Central Government, the Federal Government, has only the powers that have been delegated to it in the Constitution. Such powers have never been delegated to the Union. Therefore, they are reserved by the States. The States have the authority to have any kind of legislature they want. I would be the last to deny the States that authority. I would be the last to say to the people of any State in this Nation, "You do not know what you are talking about. You do not know what kind of legislature you need. The Supreme Court of the United States is going to tell you the kind you ought to have. Or, the Congress is going to tell you."

We have gone so far now toward centralizing the power in Washington that the people become very frustrated. I am wondering how much longer we shall exist as a nation. The President of the United States will become a dictator unless we change the trend in which we are now going, and stop centralizing more power in Washington, giving the President of the United States, the executive branch, more and more power, and sitting idly by and allowing the Supreme Court to interfere in a jurisdiction in which it has no authority. We can pass a bill like the Tuck bill and prevent the Court from further usurping this power.

I believe that Congress is negating its obligation. I believe Congress is neglecting to perform its responsibility. The House of Representatives, by more than 40 votes from all districts of the Nation, has passed the Tuck bill, saying that it wants the people of each State to determine the composition of the legislature of a particular State. I believe it is a good bill. I believe it is a sound bill. The idea that there is no emergency now, is a lot of hokum.

An emergency was alleged in the case of the civil rights bill in order to halt the demonstrations and to get the Negroes out of the streets. There was no emergency then. There is a grave emergency in this instance. The U.S. Supreme Court has handed down decisions that would change the legislatures in 44 or more States of the Nation.

It is my firm conviction that there is an obligation upon the Congress to take action, and take it now, at this session,

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to rectify the situation. I feel that the Tuck bill is a good bill. It should be passed at this session of Congress.

Mr. LONG of Louisiana. Mr. President, in view of the filibuster that is going on against the right of the people of each State to decide how they want to apportion their legislature, is the Senator from South Carolina prepared to vote cloture on this filibuster against the right of the people to apportion their own legislatures?

Mr. THURMOND. I am in favor of the people in each State determining whether their legislature should consist of one body of two bodies, or what power they shall have. On the question that the Senator has asked about applying cloture, I have never voted for cloture. But I have never supported this procedure and I do not now anticipate changing my attitude on cloture. This procedure has been forced upon Members of the Senate who believe in constitutional government. Of course, we may have to revise our thinking completely on some of these matters in view of the illegal and unconstitutional policy that has gone on heretofore.

Mr. LONG of Louisiana. Mr. President, will the distinguished Senator from South Carolina permit me to make a brief statement?

Mr. THURMOND. I yield.

Mr. LONG of Louisiana. The thing that troubles the Senator from Louisiana and some others of us from the South is that we might be forced to vote for cloture with some of our northern friends in order that the Senate might get on with the Nation's business. I hope that that unhappy event will not come about. I was asking the Senator's advice. What are we to do about this filibuster?

Mr. THURMOND. It is a question of grave concern. I would not like to vote for cloture. On the other hand, we did not start this business. We did not establish the precedent. Those who have favored so-called civil rights measures are the only ones who have taken such action. We may have to revise completely our thinking on the subject. It is now a question of trying to save the Nation. We may have to pursue a course that heretofore we have not felt advisable in the best interests of the country, but we may have to pursue it in view of the actions that have been taken by, or actions which are thwarted in, the Senate.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. I am sure that the Senator from South Carolina must know that the Tuck bill will go nowhere. Consider what he might be throwing away. He would be throwing away not one but two vital procedural safeguards which the Southern States have protected with great merit. First, he throws away the requirement that bills be referred to committee. Second, he imperils his great safeguard, unlimited Senate debate, by at least flirting with the notion that he will vote for cloture. Why?

Mr. THURMOND. Why did the Senator from Wisconsin vote for cloture?

Mr. PROXMIRE. Because I knew that that was the only way in which to get action.

Mr. THURMOND. And that may be the only way in which I can get action on this measure, too.

Mr. PROXMIRE. The Senator knows perfectly well that the Committee on the Judiciary would give consideration to the Tuck bill. Furthermore, the Senator has made the statement that we do not need committee advice on the measure, that it is something about which everyone knows.

Mr. THURMOND. I said that the Senator from Wisconsin spoke on it for a number of days.

Mr. PROXMIRE. Not on the Tuck bill.

Mr. THURMOND. The same principle is embodied in the Tuck bill. The Senator knows that under no conditions would he vote for the Tuck bill. Is that not true?

Mr. PROXMIRE. The Senator is absolutely correct.

Mr. THURMOND. Then will the Senator tell me what good a committee report would be to him?

Mr. PROXMIRE. The Senator from Wisconsin does not speak for all 100 Senators, and neither does the Senator from South Carolina. After a 2 or 3 hour debate in the House of Representatives, at least 40 votes were changed on the Tuck bill. In the first instance the bill surmounted a preliminary test by 80 or 90 votes. Then it won by only 40 votes. Members of the House changed their views. The issue is one on which people will change their minds, and it is an issue on which a great amount of information must be adduced. The Senator from South Carolina is afraid to have a committee scrutinize the bill. He is afraid of that. He is afraid that when we know what the implications of the Tuck bill are, particularly what it would mean in terms of Congress moving in on the Supreme Court and denying the principle of the separation of powers, the Senator from South Carolina would have precious little support for the Tuck bill.

Mr. THURMOND. Mr. President, surely the Senator from Wisconsin would attribute as much virtue and intelligence to other Members of this body as he himself possesses. He himself has said that he has made up his mind on the question. Does not the Senator believe that 10 days from now, when we reconvene, Senators will have had an opportunity to study the subject, and will they not be as well posted on it as is the able Senator from Wisconsin?

Mr. PROXMIRE. They will be as well posted as the Senator from Wisconsin, perhaps, but they certainly will not have a written, established record. They won't have the benefit of expert testimony, of the recommendations of the Senator's legal experts on the Judiciary Committee. After all, Senators cannot make up their minds in a vacuum. As the Senator from South Carolina knows, there are many things that the Democrats must do in the next 10 days, in addition to thinking about the Tuck bill. After the national convention there will be some who will be interested in campaigns. We should have a record made officially, in the committee. Witnesses should be called to testify, and then Senators will have an opportunity to examine the record.

Mr. THURMOND. Why did not the Senator from Wisconsin take that position on the civil rights question?

Mr. PROXMIRE. Not on the Tuck bill.

Mr. THURMOND. The same principle is embodied in the Tuck bill. The Senator knows that under no conditions would he vote for the Tuck bill. Is that not true?

Mr. PROXMIRE. The Senator is absolutely correct. I took a different position on the civil rights bill because we had a long documented hearing record. We had a record of 67 days of hearings on 121 civil rights measures. We had received the civil rights bill from the House of Representatives, which had conducted hearings in two committees, the Judiciary Committee and the Rules Committee. We had available an infinite amount of testimony.

Mr. THURMOND. That was an intricate and complex bill. The Tuck bill is a simple bill. Anyone reading it the first time can understand it.

Mr. PROXMIRE. However, it has very complex and involved implications.

Mr. THURMOND. The Senator understands it. He has said that he is against it. If he has already made up his mind that he is against it, he has evidently studied it a little. Does not the Senator think that other Senators will study the bill and reach a logical decision as the Senator from Wisconsin believes he has reached?

Mr. PROXMIRE. No, because other Senators have far more complex and subtle intellectual instincts than the Senator from Wisconsin. I am sure on the basis of their superior background and understanding they are likely to come to a decision after much more study than the Senator from Wisconsin engaged in.

As far as the people are concerned, we believe in the ability of people to know what they want. But the Gallup poll shows that an overwhelming majority of the American people want population apportionment in both houses, in their State senate and in their lower houses. The Senator knows that the people will never get a fair question from State legislatures. The Senator knows that. He has been a Governor and knows how the question is put in State after State. The people do not get a clear choice. The question is distorted. State legislators keep themselves in power by drafting the question. The question is easily rigged.

Mr. THURMOND. Is public opinion in a State controlled as the Senator contends it is controlled throughout the Nation?

Mr. PROXMIRE. If one wishes to keep his job.

Mr. THURMOND. If people are dissatisfied with their legislature as it is presently constituted, public opinion will demand that it be changed.

The Senator has said something about the Gallup poll. I would not give a

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hoopla what the Gallup polls show. The Gallup poll showed that Dewey would be elected over Truman. Gallup polls showed that various other candidates for office would prevail. They have turned out wrong in their predictions on many occasions. We cannot rely on the polls. They are completely unreliable.

If the Senator from Wisconsin really wishes to know the answer to his question, I suggest that he go back and ask the people of his State the following question: "Do you people in Wisconsin wish to decide the kind of legislature you desire, or do you want the Supreme Court of the United States to do that for you?" I suggest that the Senator ask the people that question, and I dare say——

Mr. PROXMIRE. That is the kind of question which a State legislature would put, and if that kind of leading question is put to the people——

Mr. THURMOND. Mr. President, I have the floor, and I do not yield any longer.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. THURMOND. If the Senator from Wisconsin will go back to his State and ask his people how they feel, whether they wish to decide through their legislature the type of legislature they want, or whether they want the Supreme Court of the United States or the Congress to make the decision, the Senator knows what the answer will be.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. THURMOND. I now yield to the able Senator from Colorado.

Mr. DOMINICK. I appreciate the courtesy of the Senator from South Carolina. I wish to answer the statement of the Senator from Wisconsin that a State legislature will not do anything, and that if the people were given the opportunity to vote on the question, they would vote to approve an equal vote regardless of whether the State has two houses or one house.

Colorado has recently taken such action. In 1962, two constitutional amendments were placed on our election ballot.

One amendment provided for a Federal plan and another provided for equal votes in both houses. The question was carefully debated during the whole campaign. The people of the State of Colorado said, by a 2-to-1 majority, that they wanted the Federal plan. At the same time, the people rejected the amendment which would have given equal votes in both houses. It strikes me that the people of the State of Colorado have spoken on the point about as plainly as anyone could possibly speak. The proponents of the equal vote plan took the issue to the Supreme Court of the United States, and the Supreme Court, by a 5-to-4 margin, said, in effect. "We do not care what the people of Colorado have voted. We say that you will have to have equal apportionment in both houses.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. THURMOND. That is the case. The Supreme Court of the United States does not care what the people of a State desire. They do not care what the people of our Nation want. Some time ago our majority leader said, "If the Congress does not do it, the Supreme Court will do it."

In Pennsylvania, Steve Nelson was convicted of sedition. It was charged that he had violated a State law in attempting to overthrow the Government. That case went to the Supreme Court. The Supreme Court turned Steve Nelson loose.

They said that when the Federal Government—the Congress—passed a law in the field of sedition, they struck down the laws of 42 States and held that the man had to be turned loose. In other words, they preempted the entire field of sedition. The Supreme Court, in one fell swoop, struck down the laws 42 legislatures had enacted. Is there any Member of this body who thinks that that action was proper?

Mr. PROXMIRE. Yes. This Member does.

Mr. THURMOND. I am not surprised, in view of the Senator's position on this subject. But I believe in the people of the United States. I believe in the people of Wisconsin. I believe in the people of Colorado, Illinois, and South Carolina. And I say let the people of those States, and all other States, decide for themselves the kind of legislature that they want. I maintain that the Congress of the United States should not attempt to tell a State what kind of legislature it should have, and neither should the Supreme Court attempt to do so.

Mr. PROXMIRE. The Senator is correct when he says Congress should not do that.

If the Senator will permit me to answer the Senator from Colorado, I would appreciate it.

Mr. THURMOND. Mr. President, I yield for that purpose.

Mr. PROXMIRE. The Senator from Colorado pointed out that there were referenda put on the ballots in Colorado in 1962 and that the people chose the Federal apportionment rather than the population apportionment. We have to determine whether it was a fair question that was asked. I know that our State legislature again and again has put questions on the ballot that were not fair and to which it received a predictable answer. I will assume that the question asked in Colorado was fair——

Mr. DOMINICK. It was not put out by the State legislature; it was initiated by the people themselves.

Mr. PROXMIRE. How can the people draft their own questions?

Mr. DOMINICK. It is simple. We have been doing it in the Senate for years.

Mr. PROXMIRE. We legislators have done so, not the people. Legislators, as I say, will frame loaded questions. At any rate, the Senator from Wisconsin wants to emphasize that it was made clear by Thomas Jefferson and others not only that there should be equal apportionment in the State legislatures but there are certain rights which are inalienable, that nobody can take away from the people; no, not even a majority of the people. They are constitutional rights and they are absolute. One of them is freedom of speech. Another one is freedom of religion. And one of those rights is the right to have an equal vote—a vote that counts as much as anyone else's—in the State legislature.

Mr. DOMINICK. The Senator takes the position that if there is apportionment in the House based on population, it should be that way in the Senate. That is saying that the city of Chicago should control Illinois or that the city of Denver should control Colorado, which is just as bad as having the rural areas control the cities.

Mr. PROXMIRE. If most of the people who live in Illinois live in Chicago, they should control it. What the Senator is saying is that if 95 percent of the people live in Chicago, Chicago should not run the State, the 5 percent of the people who live outside should. It is a matter of people and where they live.

Mr. LONG of Louisiana. Mr. President, will the Senator from South Carolina yield to me?

Mr. THURMOND. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. I wonder if the Senator has given thought to why the present Supreme Court keeps usurping the powers that belong to the States and keeps usurping the powers that belong to Congress, which is the lawmaking branch of Government, but declines to usurp the President's powers? Has the Senator wondered why it is that the Supreme Court is ready to usurp the people's powers and the State's powers, but not the President's powers? Will the Senator tell me why he thinks it should work out that way?

Mr. THURMOND. One reason is that the President has a way of enforcing orders. He might take a position which was taken by one President many years ago when the Supreme Court handed down a certain decision. He said, "The Supreme Court has made its decision. Now let them enforce it." The Supreme Court knows that the executive branch would not enforce certain orders or would enforce them as it pleased. Congress has become spineless in refusing to stand up to the Supreme Court. It has not shown the courage to stand up to the Supreme Court.

When the country was founded, there were three branches of Government. Each was supposed to be a check on the other. Congress is not checking the Supreme Court as it should. It is not checking the executive branch as it should. The legislative body was supposed to be a body of strong powers. Its members are elected by the people; in the House for 2 years, in the Senate for 6 years. The House of Representatives comes nearer representing the people of the United States than either of the other two branches, because its Members come up for election oftener and are elected from every segment and area of the Nation. In my opinion, the time has come when Congress should stand up and challenge the executive branch and challenge the judicial branch.

Mr. LONG of Louisiana. I would like to state my reason why the Court across

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the street has never tried to usurp the President's powers. It understands that if it tried to usurp the President's power, being the Commander in Chief, he might send a squad of Marines down there and put those screwballs in jail.

Mr. THURMOND. The country might welcome such a step.

Mr. LONG of Louisiana. Does the Senator recall that Thomas Jefferson got one of those screwballs impeached and tried to get another one impeached?

Mr. THURMOND. The Senator from South Carolina well recalls it. As I said at a recent joint meeting of a bar association and a medical association in Greenville, S.C., Thomas Jefferson was very much concerned about the Supreme Court.

Mr. LONG of Louisiana. If one looks at the attitude of Thomas Jefferson toward the Supreme Court, he will find he was concerned about judicial usurpation. He succeeded in impeaching one judge on that Court. If he had had his way, another one would have been impeached.

Mr. THURMOND. Congress would have to impeach, but if the President got behind the impeachment, it would carry great emphasis. Whether Congress should do that or not, I am not prepared to say at this time. Congress should meet its own responsibilities. If Congress thinks someone should be impeached, it should act in that respect. Because the President might say someone should be impeached, I do not think that Congress should necessarily fall in line. Congress has been falling in line too much with the executive branch. The moment the President takes a certain stand, he immediately has half of the Congress—I am not saying which half, because he gets some on both sides of the aisle—going right down the line with him. I want to see the Senate and the Congress take independent action and have the courage and backbone to do what they think is best for this country, and not to be looking forward to patronage and jobs that they look forward to from the executive branch. There are many reasons that I prefer not to go into at this time why it has not, but the Congress of the United States has not stood up as it should have in recent years, and not like it did many years ago. Congress ought to be the dominant branch of the Government. This is the branch that truly represents the people of the United States.

Mr. President, I yield the floor.

Mr. DOUGLAS. Mr. President, has the Senator from South Carolina yielded the floor?

The PRESIDING OFFICER. The Senator from South Carolina has yielded the floor.

Mr. DOUGLAS. Mr. President, before I speak in more detail on the subject matter that is before us, let me express my regret at the language, twice repeated by my friend from Louisiana. My friend from Louisiana is a very fine and constructive Senator. It pained me deeply for him to refer to the Supreme Court twice as "screwballs." I think that, upon reflection, he will not wish to retain those words.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. Perhaps I was a little too intemperate in speaking so strongly. I think some of the worst decisions were 5-to-4 decisions, and I disagree with the majority 1,000 percent, although 4 members of the Court were right. Some of those decisions were decisions with which I agreed, but I have felt that some of these decisions have been so awful, bordering on the criminal, that to me it is inconceivable that judges would do that kind of thing. I have reason to believe that the Chief Justice has, on occasion said to the other Justices, "Now, we must be above politics on this issue. We will reserve all other decisions, but to hope for compliance we must try to arrive at the conclusions by a vote of 9 to 0. Let us play a little politics, but pretend to be above politics. We are going to reverse everything else that has been decided by about 100 judges in 100 years and say we are above politics. Let us write a new amendment to the Constitution and say that is the law." They are destroying the law and destroying the Constitution when they do that sort of thing. When that type of politics is played by the Court, that is an intellectual exercise of which I cannot approve. I am not a member of the bar of that Court. I am not going to be a member, either, until I feel that I can honestly subscribe to an oath of respect to those people in that Court which a lawyer is required to do. A majority of that Court has played politics to the point that several members of that Court have failed to do their duty. One might as well not read the 100 volumes of the reports of the Supreme Court, because so much of it has been reversed or ignored. One cannot predict what the Court is going to do, because if the Executive wants it to decide one way, that is the way it is usually decided.

All this is contrary to the intention of the Constitution and of the Founding Fathers. The Justices are expected by those who determine their appointments to go along with a complete misinterpretation of what the law has always been.

Nowadays some of the appellate court judges are circling around like so many buzzards, waiting for some old character to die so that they can get his job, instead of speaking up against something that is wrong. I cannot stand by and let that happen without saying something about it. I resent that kind of thing. I resent one judge getting on the telephone and calling two other judges and telling them, "I have decided to decide this case in this way. Give me your proxy." He calls one judge in Florida and another one somewhere else saying "Let me sign this order for all three of us." I have heard of that happening in the court of appeals.

Here in the Supreme Court I have seen it happen when the Attorney General in this administration goes to Court almost every time an important case goes up there, and talks to the judges and tells them how they should decide a lawsuit. It fills me with outrage, because the two contesting parties are entitled to a decision on its merits.

Mr. DOUGLAS. Has the Senator finished?

Mr. LONG of Louisiana. All of that is contrary to the intent of our Founding Fathers. We are under a duty to legislate. Those judges did not have the right to make some of those decisions.

I am sorry that I cannot completely agree with the Senator. I am sorry I went quite as far as I did in my use of language. If I had thought about it a little, I might have used more temperate language. I say, however, that if the members of the present Supreme Court did not have the full support of the National Association for the Advancement of Colored People some of them might have been impeached.

Mr. DOUGLAS. Has the Senator finished?

Mr. LONG of Louisiana. Yes.

Mr. DOUGLAS. It is obvious that some of the animus created by the civil rights decisions is behind the present Dirksen amendment and the Tuck bill, which would deprive the Federal courts of any authority to require fair representation in various State legislatures. I have suspected all along that the opposition to the civil rights decisions has furnished the emotional undertow, so to speak, for a large part of the support for the Dirksen and Tuck proposals. My good friend from Louisiana—and I hope he is my good friend, because I have had very friendly relations with him in the 16 years that we have served together—has confirmed this opinion of mine.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. Let me say to the Senator from Illinois that I regard myself as being his good friend, and that on most issues we agree completely. I feel strongly about some of the Court decisions. I feel outraged by some of them. At the same time I am here to say that this particular decision was completely wrong, and it requires Congress to act. We have a duty to act. I do not know whether the Senator has any particular decisions in mind with respect to which he disagreed with the Court as strongly as I do. If that were so, I assume he would feel the same as I do. The Court has legislated. Now it is our duty and our right to legislate to protect the rights of the States and the people.

Mr. DOUGLAS. Mr. President, the Senator from Louisiana has made his statement of faith. It is appropriate for me to say that, in company with the great mass of the American people, I approve the civil rights decisions, beginning with the Brown case, and going on from there. I point out that it was a unanimous decision of the Supreme Court. All the Republicans on the Court agreed with all the Democrats on the Court. There were three southern-born and southern-trained Justices on the Court. They joined the other six. They are good southerners, and they take great pride in being southerners.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

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Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. Does the Senator have any doubt that the decision was in direct conflict with the Supreme Court in Plessy against Ferguson?

Mr. DOUGLAS. It reversed Plessy against Ferguson, which was handed down in 1896.

I point out that there was a dissenting opinion in Plessy against Ferguson, written by the first Justice John Marshall Harlan, a Kentucky slaveowner; and that it is not unusual in the course of history for judicial opinions to change.

I do not believe that Plessy against Ferguson or the civil rights decision of 1883 can properly be used to perpetuate the idea that segregation is constitutional under the 14th amendment.

There was a reversal of Plessy against Ferguson. It should have been reversed. I am glad it was reversed. What I am trying to say is that this was a unanimous decision. The decision was unanimous not only in the Brown case, but in the subsequent cases involving racial discrimination in education. I believe that no less than 12 separate judges have approved the unconstitutionality of segregation in the schools, and they have decreed that the 14th amendment established the right to desegregated education.

I believe this was a case of the U.S. Supreme Court catching up with the development of ethical opinion.

I am grateful to the Supreme Court. I am grateful to the great Chief Justice of the Supreme Court, Earl Warren, a Republican, a former Governor of California who was elected to that office three times. He was the Republican candidate for Vice President in 1948. I believe he is one of the noblest Americans today. I feel that I would be delinquent if I stood here and allowed my good friend from Louisiana to continue to make an attack upon the Court, and by implication upon the Chief Justice. I say that with great respect for my friend, because we work together very closely in the Committee on Finance. I believe him to be one of the most engaging Members in the Senate. Nevertheless, I cannot subscribe to his attack on the integrity or sanity of the Court. I should now like to pass to the substantive issue, if I may.

Mr. LONG of Louisiana. Mr. President, will the Senator yield briefly?

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. I make no charge with regard to the sanity of the Court.

Mr. DOUGLAS. The Senator said they were screwballs.

Mr. LONG of Louisiana. I referred to a judge being impeached.

Mr. DOUGLAS. The Senator referred to the present Court as consisting of screwballs.

Mr. LONG of Louisiana. The record will speak for itself.

Mr. DOUGLAS. The Senator said screwballs.

Mr. LONG of Louisiana. What I said I do not take back. I believe I made the reference with regard to a hypothetical situation.

Mr. DOUGLAS. The Senator does not take it back?

Mr. LONG of Louisiana. No. Since the Senator raises the question, in my judgment, when a judge takes a provision of the Constitution and reads it to mean the opposite of what was intended, that is not integrity or honesty. It may be that it serves the Senator's political purpose. It may be that it achieves the purpose that he was trying to achieve. If a law is wrong, Congress, and not the Supreme Court, should change it. I have heard of some of the lectures delivered by some of those who hope to be, who are justices and who hope to be advanced to the Supreme Court. Their theory is, "If a law is wrong, we should give Congress a certain period of time to change it. If Congress does not act within a certain period of time, we should change it." I have seen reports of some lectures along that line. I assume that is the type of propaganda that is being spread at judicial conferences by some of those who are presently on the Supreme Court.

It is my judgment that George Washington was right when he said in his Farewell Address that we should not change the law by usurpation but should change it by the means established for that purpose. That is why I favor changing this particular situation by constitutional means. In my judgment, the argument of the Senator from South Carolina [Mr. THURMOND] is entirely correct. It is the people who are entitled to decide this matter, not the nine men who are now on the Supreme Court or those who will follow them. The people have a right to decide this question for themselves.

THE 14TH AMENDMENT IS AS MUCH A PART OF THE CONSTITUTION AS ANY OTHER PART

Mr. DOUGLAS. Mr. President, I am not a constitutional lawyer, but I have studied the Constitution, which seems to be more than many people have done. A great many of our friends, particularly those who come from south of the Mason-Dixon line, never get beyond the 10th amendment, which they like to quote. The 10th amendment provides:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

They quote this amendment, but pay no attention to the 14th amendment; but the 14th amendment is just as much a part of the Constitution as the 10th amendment. Since it was adopted after the 10th amendment, if there is a conflict between the two, the 14th amendment supersedes the 10th. I have again and again quoted the 14th amendment to this body. I think it is worth while quoting it again, because we tend to forget it.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

What does that mean? It means that citizenship is national as well as being a State matter.

Second, no distinctions are drawn between citizens. There are no second-class citizens; all are first-class citizens.

Section 1 of the 14th amendment continues:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The phrase "nor deny to any person within its jurisdiction the equal protection of the laws" is something that our southern friends and many others seek to ignore, and treat as nonexistent. But it is there, and it is a part of the basic law of the land.

UNDER OUR FORM OF GOVERNMENT THE SUPREME COURT INTERPRETS THE MEANING OF THE CONSTITUTION

Who interprets the meaning of the equal protection of the laws? Basically, under our form of government, the Supreme Court. In the Brown case and in the cases which followed, the Supreme Court, in unanimous decisions, held that the equal protection of the laws was violated if children in the public schools were segregated on the basis of race; that if they were segregated, they were not being accorded equal protection; that their privileges and immunities were being prejudiced; and that they were being deprived of this basic right that the 14th amendment was intended to defend.

In my opinion, that was a correct and noble decision. The Senator from Louisiana [Mr. LONG] believes it was not a correct decision. But obviously Congress, which he evidently thinks should have power in these matters, thinks it to be a correct decision, because Congress passed a civil rights bill a few weeks ago by an overwhelming vote. That bill provided not only for nondiscrimination in the schools but also in employment and in public accommodations.

There is no question, I believe, that the overwhelming opinion of the Nation supports the decisions of the Supreme Court in that matter. I urge our friends not to try to stir up prejudice and passion against the decisions of the courts concerning discrimination. Those decisions are one of the finest achievements in the entire record of the Supreme Court.

SEVERE MISREPRESENTATION EXISTS IN THE STATE LEGISLATURES

More recently have come the decisions on the apportionment of State legislatures. We have not had much opportunity to develop that subject because, in spite of the rhodomontade, comparatively little discussion of the Dirksen amendment or the Tuck bill has been permitted in the Senate. But in the two speeches I have made on the Senate floor and in other speeches which I have had the opportunity to give, I have shown the great extent to which there is gross misrepresentation in the houses of State legislatures. I have pointed out that in several States less than 20 percent of the population elect a majority of the members of the lower house, and that in still more States less than 20 percent

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elect a majority of the Senate. As of June 21, of this year, in the following States less than 20 percent of the population elect a majority in the State senates: Montana, Idaho, California, Nevada, Arizona, New Mexico, Florida, Maryland, Delaware, New Jersey, and Rhode Island.

There were many more States in which between 20 and 40 percent of the population elected a majority of the Senate: North Dakota, South Dakota, Wyoming, Colorado, Utah, Texas, Louisiana, Mississippi, Alabama, South Carolina, and Connecticut.

THE STATE LEGISLATURES HAVE REFUSED TO REAPPORTION THEMSELVES, EVEN THOUGH THEIR CONSTITUTIONS REQUIRE IT

The stubborn fact is that the State legislatures have refused to apportion themselves and have persisted in this refusal year after year, decade after decade.

The records of Tennessee and Alabama are relatively typical. The constitutions of those States require reapportionment every 10 years. But beginning in 1901 and continuing until the time these cases went to the Supreme Court, those States refused to reapportion themselves. During this time there were great shifts in population. People moved into the cities of Tennessee—Nashville, Knoxville, Chattanooga, Memphis. They moved into Birmingham, in Alabama. But the legislatures refused to reapportion, partly, as the Senator from Wisconsin [Mr. PROXMIRE] has said, because the legislators from the overrepresented districts did not want to reapportion, for that would mean that some of the districts would have to be consolidated and the legislators might lose their jobs; but also because the big corporate interests in those States wanted to have the country districts overrepresented because they thought they could control the country districts more than they could control the urban or city districts in such matters as taxation and utility regulation. That has been one of the forces which has helped to prevent reapportionment.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. The point the Senator from Illinois is making is especially important. This is not a simple problem of a provision in a State constitution and the recent interpretation by the Supreme Court. It is a matter of historical fact and practice in America that up until 1901 State legislatures did apportion. They apportioned in accordance with the State constitutions, and they apportioned on the basis of population. It was only then that they began to abandon their constitutions. The dramatic example of Oklahoma was cited yesterday. Oklahoma did not change its position in 1901 but did so after 1921.

At any rate, in legislature after legislature, there has been abandonment of the Constitution and of the historical practice or custom of the State legislature, which is riveted into the law, and not an acceptance of constitution provisions which require population representation.

Is it not true, I ask the Senator from Illinois, that in some cases the apportionment that took place under duress resulted in a constitutional amendment which changed the nature of the State legislature, so that one house would be elected on the basis of area and would be able to preserve the jobs of legislators who were in office and as well as the Senator from Illinois has stated, preserve the interests of those who did not want the State legislature to move ahead and solve State problems?

Mr. DOUGLAS. That is correct.

Mr. PROXMIRE. Let me ask the Senator this question. We have heard talk this afternoon from two very distinguished southern Senators both of whom believe in States rights. Would not the Senator from Illinois agree that if we are going to have States rights we have to have States performance? As many distinguished Republicans as well as Democrats have agreed, if we are going to have States rights, we have got to have States responsibilities, and we don't get States responsibilities unless we get a State that can act. A State cannot act as efficiently if it has one house apportioned on area with bloc representation, and another house warring with the other house, rather than both houses being on the same basis.

Mr. DOUGLAS. The Senator is correct.

Mr. PROXMIRE. The Senator from Michigan made one of the very finest speeches made on this subject, not on a theoretical point but documented and showing instance after instance after instance where vital legislative proposals in the Michigan Legislature, with a popular Governor and with a clear public mandate, were blocked. Why? Because a majority of the legislators, but representing a relatively small minority of the people, I repeat a minority, voted against measures clearly in the interests of the State of Michigan.

As the Senator from Illinois has documented so well, this is common, this is the case throughout America. What do people who want their problems solved do? What do they do? They come to Washington. Problems have to be solved, so they turn to us. So the fight which the Senator from Illinois is making so well this afternoon is ironic because it is in opposition to that fight of the two Senators from the South who spoke this afternoon, Senators who have been in the forefront of the battle for States rights, and yet I think it is clear to anyone who studies this record that the Senator from Illinois is truly fighting to make States rights really mean something.

Mr. DOUGLAS. I thank the Senator from Wisconsin.

Mr. LONG of Louisiana. Mr. President, will the Senator from Illinois yield?

REFUSAL OF THE LEGISLATURE TO REAPPORTION IN CONNECTICUT

Mr. DOUGLAS. If the Senator will let me finish my statement, I shall be glad to yield to him at that time.

One of the original apportionment acts in Connecticut was in 1818. That continued, so far as the House is concerned, until 1876, in Connecticut. Then Connecticut reapportioned, but with each town having two representatives regardless of size. That 1876 apportionment has continued until the present day. The result is that in Connecticut 12 percent of the population elect a majority of the members of the lower house. That is the house in Connecticut.

The Connecticut Senate was reapportioned in 1903—60 years ago, and has not been reapportioned, according to my figures. In Connecticut, 32 percent of the population elect a majority of the senate, the one-third have as much representation as the two-thirds. They have twice the average representation of the cities—notably, New Haven, Hartford, Bridgeport—and I believe Danbury.

REFUSAL OF THE LEGISLATURES TO REAPPORTION THEMSELVES IN OTHER STATES

Alabama did not reapportion after 1901.

Illinois did not reapportion between 1901 and 1955.

Kentucky did not reapportion after 1942.

I know that in the last couple of years there has been reapportionment in these cases, but that is under the stimulus of Federal decisions. This is true in many other States. And when reapportionment has come, it has been almost invariably after the Baker against Carr decision of 1962.

Louisiana did not reapportion after 1921, and still has not reapportioned its Senate.

Maryland did not reapportion after 1943.

Minnesota has a somewhat better record. It did not reapportion between 1913 and 1959, but it did reapportion in 1959 before the Federal decisions.

New Hampshire did not reapportion its Senate between 1915 and 1964.

New Jersey did not reapportion after 1941.

North Carolina did not reapportion between 1941 and 1961 for its house, and between 1941 and 1963 for its senate.

Pennsylvania did not reapportion its senate between 1921 and until this year.

I could go on in State after State.

It is true that after the Supreme Court handed down its first decision on Tennessee, in the Baker against Carr case, and followed this up with subsequent decisions, a series of reapportionments were carried through.

Indiana, in 1963.

Kentucky, in 1963.

Louisiana, for its house, in 1963.

Maryland, very partially—very incompletely, in 1962.

Mississippi, very partially, in 1963.

Nebraska, in 1963.

North Carolina, in 1963, for its senate.

North Dakota, in 1963, for its house.

Pennsylvania, in 1964, for its senate.

But these reapportionments done under the fears or the fact of a court order—predominately Federal, but in some cases State.

Does anyone suppose that, if there had not been these actions and decisions of the courts, the legislatures would have acted as they did? In many cases, they had not acted for 60 years.

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In Vermont, as I have said, they have not acted, so far as the house is concerned for 171 years, since their constitution was adopted in 1793.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. JAVITS. I heard this flareup between the Senators from Louisiana and the Senator——

Mr. DOUGLAS. It was not a flareup, but I felt that I could not sit silent when my good friend called the Supreme Court screwballs.

Mr. JAVITS. I might say I throughly join the Senator in his attitude toward the Court. It is a coordinate branch of government. We would certainly not be very happy if they called us a bunch of screwballs. I am happy to join the Senator from Illinois in defending the Supreme Court, its good faith, the distinction of its membership, and the great leadership given to the Court by Chief Justice Warren.

I have defended the Court before, when it was charged with making Communist-oriented decisions, and presented the detailed facts, assembled by legal authorities, which showed that there was nothing to any such charges. It was merely that the Senator who made the charges did not like their decisions.

There is a great deal in the Tuck bill—to which I am as fully opposed as is the Senator from Illinois—that is reminiscent of the Courtpacking idea. It deserves to have as much of a reaction in the country against it as did the Courtpacking proposal. Even the Courtpacking proposal, after all, did not so openly forecast anything about decisions. It just sought to have more justices on the Court. But it was felt it sought more justices because those to be appointed by the then-President were expected to rule differently and to constitute a different majority than those who were on the Court at that time, which was deciding cases in a way the President did not like.

With the Tuck resolution, it is the Congress this time, and not the President, who is trying to pack the Court, by taking away its appellate jurisdiction which would deprive it of the opportunity in this field to serve the American people and protect their freedoms under the 14th amendment, which is as much a part of the Constitution as the original Constitution and the first 10 amendments, the Bill of Rights.

Therefore, the matter now rests in the Senate. I rather thought we could come to a resolution of the matter on the Dirksen amendment through some form of precatory resolution such as Senator MCCARTHY and I have proposed. But we have before us now a House-passed resolution that is completely unacceptable and very dangerous, in my opinion, to the liberties of the people. Therefore, the decision will really rest here, in the Senate of the United States.

It seems to me that this justifies the detailed discussion which has been undertaken with the Senator from Illinois [Mr. DOUGLAS] and his colleagues on this subject. We have really a burning, major threat, in my judgment, to the public liberties.

Does the Senator not feel that the issue raised by the Tuck bill is analogous, in terms of the exercise of power by Congress, to the issues raised by the Courtpacking proposal of approximately 25 years ago, and thus deserves the critical attention of the American people in the same manner as did that proposal?

Mr. DOUGLAS. I think that is correct. The Tuck bill would deny permanently the jurisdiction of the Federal court or State court as it might concern any authority to order apportionment or reapportionment of any legislature. It would deny jurisdiction to the district courts to entertain any petition or complaint seeking to apportion or reapportion.

Mr. President, I ask unanimous consent that the text of the Tuck bill, H.R. 11926, be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 11926) is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Following section 1258 of title 28 of the United States Code (28 U.S.C., sec. 1258) add a new section as follows:

"§ 1259. Supreme Court, limitation of appellate jurisdiction

"The Supreme Court shall not have the right to review the action of a Federal court or a State court of last resort concerning any action taken upon a petition or complaint seeking to apportion or reapportion any legislature of any State of the Union or any branch thereof."

SEC. 2. Amend title 28, section 1331 of the United States Code (28 U.S.C., sec. 1331) by adding at the end thereof a new subsection to read as follows:

"(c) The district courts shall not have jurisdiction to entertain any petition or complaint seeking to apportion or reapportion the legislature of any State of the Union or any branch thereof, nor shall any order or decree of any district or circuit court now pending and not finally disposed of by actual reapportionment be hereafter enforced."

Mr. DOUGLAS. Mr. President, I believe the Dirksen amendment is almost equally bad—but not quite as bad as the Tuck bill. The difference is that the Dirksen amendment constitutes temporary anesthetization of the courts of the country which would last for an indefinite period of time. And, during this period of time, a constitutional amendment could be submitted which would permit the malapportioned, unrepresentative State legislatures to seal themselves into office contrary to the principle of substantial equality of representation provided by the 14th amendment.

The choice between the Tuck bill and the Dirksen amendment is similar to the choice between being killed by hanging and being killed by shooting. And I reject both methods.

Mr. President, it is not my intention to speak at great length, because I believe it is the desire of the majority leader to adjourn in order that many Members of the Senate may go to Atlantic City; but I was in the midst of an argument showing that the only reason why State legislatures have moved to reapportion in recent years has been either court orders or fears of such orders.

DIRKSEN AND TUCK PROPOSALS WILL HALT REAPPORTIONMENT ACTIONS NOW PROCEEDING IN MANY STATES

If the Dirksen or Tuck proposal were to go through, the action already taken in many cases would be canceled. In many cases the full act of reapportionment has not been carried through. The cases are still under some degree of judicial surveillance, and the prohibition upon the courts' interfering in these matters, would prevent the final consummation of acts of reapportionment.

The New York Times of last Sunday prepared a very valuable illustration in the form of a map of the country, which appeared in its August 16 issue. The map showed that with respect to the senates in the 50 States there had been some apportionment initiated in obedience to court orders. It put these States in this classification: Oregon, Oklahoma, Wisconsin, Michigan, Massachusetts, Delaware.

Even with respect to the senates in these States, the apportionment had been less than full, and great disparities still exist, except in Wisconsin and possibly Oregon.

In some cases, as the Senator from Wisconsin and the Senator from Michigan have emphasized, it is possible that the passage of the Dirksen amendment or the Tuck bill would reverse actions already initiated, but not fully completed. This chart also identified the States which had been ordered to redistrict, but have not done so, so far as the State senates are concerned. Those States are: Washington, Alabama, Iowa, Illinois, Ohio, Florida, Virginia, Pennsylvania, New York, and Vermont. There may be others.

In addition to those, there are a number of State legislatures, where a small minority controls the senate which are trying to brazen the matter out.

In Nevada, 8 percent of the population can control a majority of the senate. The supervoters come from the sagebrush counties. In Idaho, 6.6 percent control the State senate, again from sagebrush counties. In Arizona, the percentage is 12.8. In New Mexico it is 14 percent. In Florida it is 15 percent, mostly in the north Florida counties. In Maryland, 14 percent control the State senate. In New Jersey it is 19 percent. In Rhode Island it is 18 percent.

As I indicated earlier, there are many States in which 20 to 40 percent of the population control the seats of the State senates, these include North Dakota, South Dakota, Wyoming, Utah, Texas, Louisiana, Mississippi, Iowa, South Carolina, and Connecticut.

Any attempt to reapportion in those States would be brought to a halt with the passage of the Dirksen amendment or the Tuck bill.

Indeed, every day and every hour bring evidence of the effect of these two amendments in delaying or preventing the reapportionment of seats.

THE DIRKSEN AND TUCK PROPOSALS, EVEN THOUGH NOT ENACTED, ARE ALREADY CAUSING CHAOS AND BLOCKING THE ORDERLY PROGRESS OF REAPPORTIONMENT

In today's Washington Evening Star, on the first page of the B section, there is

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an article written from Baltimore under the byline of James B. Rowland. I shall read some salient paragraphs from that article:

Maryland lawmakers have shelved attempts to draw up a reapportionment plan pending the outcome of efforts in Congress to counteract the Supreme Court equal-vote mandate for the makeup of State legislatures.

The decision was made here last night during a 90-minute closed meeting of a reapportionment committee appointed by the legislative council, interim study arm of the general assembly.

State Senate President William S. James, Democrat, of Harford County, and committee chairman, reported afterwards the group decided to wait on Congress. The committee will meet again next month.

TWO MEASURES EYED

"The committe decided to wait and see if one of the two measures pending in Congress is enacted and is going to give us more time," Senator James said.

Skipping a paragraph, the article continues:

The Supreme Court on June 15 ordered Maryland to reapportion its rural-dominated house of delegates and State senate on a population basis in time for the 1966 elections. Such attempts by urban lawmakers have failed in the past.

It should say both "urban and suburban" attempts. Continuing to read from the article:

In pigeonholing its current effort the committee pointed to a House-passed bill drafted by Representative TUCK, Democrat, of Virginia. It would remove reapportionment cases from the jurisdiction of Federal courts.

Continuing with the article:

Maryland's reapportionment suit reached the Supreme Court through State courts and was returned to the Maryland Court of Appeals.

"The committee feels the State court, however, would be guided by Federal court action," Senator James said.

The committee also is eyeing a rider Senator DIRKSEN, Republican of Illinois, had prepared for the foreign aid appropriation bill. It would stay court-ordered reapportionment until January 1966—in my judgment, much longer than 1966.

Continuing to read from the article:

"If the Dirksen amendment passes, Congress next year may enact a constitutional amendment restricting court authority over reapportionment," Senator James said.

In other words, the mere introduction of these bills and the prospect of their passage has given the Maryland legislature the idea that it will balk court orders. The same thing has been done in Virginia. In the article in this evening's Star there is this paragraph:

In Virginia, a similar delay in redistricting that State as a result of the Supreme Court's ruling has been indicated. Governor Harrison told a news conference Wednesday he is "watching developments in Washington" before proceeding with plans to call the general assembly into a special reapportionment session late in November.

Therefore, reapportionment by the legislatures in both Maryland and Virginia has been postponed because of the introduction of the Tuck bill and the submission of the Dirksen amendment. If these proposals should be passed, reapportionment would not only be postponed, but would be prevented. We are dealing with one of the gravest political evils in American legislative life. It results in the urban and suburban regions being grossly underrepresented and being denied home rule in such matters as taxation, welfare, smoke abatement, zoning, water pollution, recreational areas, and a whole series of other measures which are essentials for a rapidly growing metropolitan population.

ALMOST TWO-THIRDS OF THE POPULATION LIVES IN METROPOLITAN REGIONS

I introduced the census figures the other day to show that 64 percent of the population of the country in 1960 lived in counties of over 100,000 pouulation, whereas only about 32 percent lived in such counties in 1910. The prospects are that the metropolitan population, which is now almost two-thirds of the population of the country, will steadily increase in the future. If these areas continue to be dominated by less populated areas, we shall not have local governmental structures able to meet the problems of the vast majority of the people.

We know that in the next few years we shall have what some people call a megalopolis, a continuing city stretching from Washington to Boston, and perhaps to Portsmouth, N.H. This will run across State lines, but through States now dominated by rural legislatures, and this rural domination will continue under the Dirksen or Tuck proposals.

UNREPRESENTATIVE STATE LEGISLATURES LEAD TO AN UNREPRESENTATIVE NATIONAL HOUSE OF REPRESENTATIVES

This evil creeps into the Congress, because it is the rural-dominated State legislatures which lay out the congressional districts. They lay out congressional districts which in the main overrepresent sparsely settled rural areas and underrepresent the heavily populated urban and suburban areas.

We have all come to respect the Congressional Quarterly. I hold in my hand volume 19, published in 1963, which on pages beginning with page 1173 gives the population of some of the congressional districts in this country.

Let us take Arizona. There is one district in Arizona which, using 1960 census of population figures, had 189,000 people; another district, 663,000 people, or approximately three and a half times as many.

In Arkansas, one district had 332,000; another, 575,000.

California had some gross cases, but these have largely been cured so far as population is concerned.

Colorado. One district has 195,000 people; another, 653,000 people.

Connecticut, which is in the process of redistricting, and which, if not interfered with, will do well, had in one congressional district 319,000 people, and in another district 689,000.

Florida. One district has 241,000; another, 237,000. There is still another district with 507,000, and another with 455,000.

Georgia. One district has 272,000; another, 823,000.

Idaho. One district, 257,000; another, 410,000.

In Illinois, my own State—and we are not the worst State in the Union by any means—one district has 350,000, and another district has 516,000.

Indiana. One district has 357,000; another, 513,000; another, 697,000.

Kentucky. One district, 315,000; another, 610,000.

Louisiana. One district, 264,000; another, 500,000.

Maryland. One district on the Eastern Shore, to which we have referred, and which is heavily overrepresented in the State legislature, has one district with 243,000 people. That district sends one man to Congress. Another district, the one which lies outside the Northwest section of Washington, has 609,000.

Massachusetts. One district, 376,000; another district, 478,000.

Michigan. One district, 177,000; another district, 664,000.

Mississippi. One district, 295,000; another district, 608,000.

Montana. One district, 274,000; the other district, 401,000.

New Jersey. One district, 316,000. That is in south Jersey. Another district has 585,000. That is the Camden district.

New York. One district, 350,000; another district, 459,000.

Ohio. One district, 274,000; another district, 683,000. Another district has 726,000.

Oklahoma. One district, 227,000; another district, 552,000.

Oregon. One district, 265,000; another district, 522,000.

Pennsylvania. One district, 352,000; another district, 517,000; still another district, 553,000; another district, 536,000.

South Carolina: One district, 272,000; another, 531,000.

In South Dakota, where the line of division, I believe, is the Missouri River—I observe in the Chair of the Presiding Officer the distinguished junior Senator from South Dakota [Mr. MCGOVERN]—one district has 182,000, while another has 498,000. Each district has one Representative in Congress. In other words, almost two and two-thirds times as many people are required for representation in the eastern district as in the western district.

Tennessee: One district, 223,000; another, 497,000.

Texas: One district, 216,000. I believe that was the district formerly graced by the late Speaker of the House, Mr. Rayburn. I did not realize that it had a population as large as 216,000. Another district has 568,000; another district, San Antonio, 687,000; another district, 675,000; another district, the Dallas district, 951,000.

Utah: One district has 318,000; the other district has 583,000.

Virginia: One district has 312,000; another, 494,000. The suburban district outside ashington, on the other side of the Potomac, has 540,000 as compared with the 312,000 in one of the other districts.

West Virginia: One district, 329,000; another district, 422,000.

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Wisconsin is quite evenly distributed; but even there, one district has 319,000; another has 530,000.

In other words, malapportionment of the State legislatures leads to malapportionment of the national House of Representatives. In the past, I have calculated that malapportionment costs the cities and suburbs between 25 and 35 seats, and results in the decisions of the national House of Representatives being weighted and biased in favor of the small areas and against the cities and suburbs.

When we consider this fact in conjunction with the fact, established by the Constitution, which we cannot change, that 25 percent of the population elect a majority of the U.S. Senate, I think we can see the handicaps under which the big States and big cities labor, both in the National Government and in the State governments, as well.

I am saying all this to lay a factual base to reply to the Senator from South Carolina [Mr. THURMOND], who denied that there was any malapportionment in the State legislatures. I ask Members of Congress, the press, and the general public to read these figures over the next 10 days, during a part of which time the Democratic National Convention will be in session, before the Senate returns to pass upon the Dirksen amendment and the Tuck bill.

WHY HAS MALAPPORTIONMENT CONTINUED SO LONG?

There is an interesting question as to why malapportionment has been allowed to continue for so long and why there is such violent opposition to reapportionment. The Senator from Wisconsin [Mr. PROXMIRE] has stated over and over again one of the predominant reasons; namely, that reapportionment would require the consolidation of small districts, and that many of the legislators from those small districts would lose their jobs. That is a powerful reason; it may be the major reason; but it is not the only reason.

Another reason is that the private utilities and big industrial interests know that they can control the legislators from the sagebrush counties and the rural counties to a greater extent than they can control legislators from urban and suburban districts. They can tell the legislators from rural districts, "This does not concern your people; it is only a question for city folks."

THE ILLINOIS EXPERIENCE

We have had that experience in Illinois for 70 years. Illinois had a great Governor, John Peter Altgeld, who tried to improve the structure of the State and tried to prevent Charles T. Yerkes from stealing the streets of Chicago. He found lined up against him the senators and representatives from the small rural counties.

For many years in Illinois we tried to pass child labor legislation and legislation to aid women, but found opposition coming from the same groups.

RHODE ISLAND

I suppose the modern generation does not remember the writings of David Graham Phillips or Lincoln Steffens, who, around 1910, wrote "The Treason of the Senate." He clearly analyzed where the power lay in the State of Rhode Island.

In Rhode Island there was a blind political boss by the name of Brayton. He governed the State. He did not have much education, but he ran the State, and he ran it in the interest of the trolley lines, the private utilities, the telephone companies, the textile mills, and other manufacturing establishments of Rhode Island. He saw to it that labor legislation was not passed and that public utilities legislation to protect the people was not passed.

The experience of those States can be duplicated all over the Nation.

What one finds when he gets into those battles is that the corporate interests that want to control the Government think they can control it better through the rural areas than through the urban and suburban areas, whose people will have to pay the price and who, therefore, will be more responsive to the needs of the people.

PREJUDICE AGAINST CITY FOLKS LIES BEHIND OPPOSITION TO FAIR REPRESENTATION

I am sorry to say that those are not the only factors. There is also a deep prejudice against city folks. This has cropped out on the floor of the Senate in recent days in the rather bitter remarks made by Senators for whom otherwise we have a high regard.

References have been made to city folks as being inferior to country folks, and cities have been held up to scorn.

I grew up as a high school boy in a small town which had 1,500 people. But I have also lived in the woods, in an unincorporated township which had 76 people. I think I know isolated life and small-town life.

I attended a university in New York City, and for some years knew the life of that city as I do that of Philadelphia and the cities of the west coast. I have lived and worked in the city of Chicago for 45 years. I know city life. People are basically the same in the city as in the country—no worse, perhaps no better—but no worse, certainly.

The people who live in cities have difficulties. They are crowded close together. That produces uneasiness. On the other hand, they have cultural advantages which are hard to get in the country. Where are the great orchestras of the Nation located? In the cities. Where are the great art museums? Where are the great publishing houses? Where are the great newspapers? We find those agencies in the cities.

Furthermore, in the cities we find a variety of people. This teaches tolerance. The cities have been the great Americanizing influence. We have taken in the Irish. There was much complaint about the Irish, but they have become full-fledged citizens and have properly been accepted in their own right. The same is true of the Germans, Italians, Jews, and Poles. Now we are getting Negroes, Puerto Ricans, and others. Each group when it comes in has its difficulties of readjustment to city life and to a new environment. But the genius of America has been that by giving equal opportunity, we enable these people gradually to become absorbed, and the intervening difficulties largely pass away.

(At this point, Mr. MCGOVERN took the chair as Presiding Officer.)

Mr. DOUGLAS. Mr. President, I am confident that this will apply in the case of Negroes and Puerto Ricans, just as it has applied in the case of the Irish, Germans, Jews, Italians, Poles, Lithuanians, and all the rest. I deny that any one of these groups is innately inferior to the other. They may be handicapped because of lack of opportunity, but I deny that they are innately inferior. I believe I can speak on this subject without prejudice because so far as I can trace my ancestors, they came to this country in the year 1700, and to my knowledge every drop of my blood is Anglo-Saxon. I am very proud of the Anglo-Saxon race—and of my Scottish blood. We Scotch are not the most lovable people in the world, but we have made great contributions to industry, politics, engineering, and a whole range of other aspects of our life.

Music came to this country, primarily, with the Germans who settled in the cities along the Ohio River—Louisville, Cincinnati, and with the turn of the river up in St. Louis; they were the centers of music.

Where would city orchestras be without the Jews and the Italians?

Where would the painters be without these same groups?

Where would the physicists be without these elements in the population?

It has been my experience and my great good fortune to know many of the Nobel Prize winners in the field of physics. If we trace their ancestry and their origin we will find that an extraordinary percentage of them came from outside the United States of America. Indeed, the atom bomb which was developed at the University of Chicago was largely accomplished by emigre scientists. Enrico Fermi was one of my acquaintances—although not an intimate friend. He came from Italy.

James Frank was a Nobel Prize winner in physical chemistry, and a friend of mine. He came to this country as a result of the persecution of the Jews in Germany.

I simply wish to say that we Anglo-Saxons should get over the idea that we are innately superior to every other race under the sun. I say that as one who is proud of the Anglo-Saxon race. We have made great contributions but we are not the only ones; yet behind this attack on the cities is distrust of city folks, distrust of first generation, second generation, or third generation Americans of foreign origin. It is about time we got over those prejudices and recognized that people in the mass are approximately as good as anyone else if given an equal opportunity. All too often they are not given an equal opportunity and then we condemn them for not rising to the level of others who have had superior advantages. That is one element in the effort to prevent the cities and the suburbs—I emphasize the suburbs—from being properly represented.

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CORRUPTION EXISTS IN THE COUNTRY AS WELL AS IN THE CITY

There have been some remarks made about corruption in the cities and that corruption is an urban phenomenon. Let me say that I have known a lot of country districts where the votes were stolen and miscounted. I could testify to that about my own State of Illinois—people who indulge in various shadowy practices and then point the finger of scorn at Chicago.

In Chicago, virtually every precinct has voting machines. It is almost impossible to cheat on voting machines. The second concentration of Democratic strength, namely East St. Louis, opposite St. Louis, has voting machines, too. But there are very few counties in the State of Illinois under Republican domination which have voting machines. I do not know of any. What sometimes happens to ballots in those counties is strange and wonderful to behold—and we cannot always behold it. We know of downstate counties where the count has been held up for days while the county officials were waiting to see how much of a majority they needed in order to carry the State for the Republicans.

It is true in the past that we had abuses in Chicago in voting. That was largely in the unhappy period in the 1920's when William Hale Thompson was mayor of Chicago, Len Small was Governor, and Samuel Insull dominated the business world. What politics did those men have? Mayor Thompson was one of the most disgraceful mayors the country ever had. He was a Republican. What politics did Len Small have? He was a Republican.

What politics did Samuel Insull have? He was a Republican, though from time to time he would try to buy off the Democratic Party with the small change, giving the big money to the Republicans.

WE SHOULD RECOGNIZE AND JUDGE PEOPLE FOR WHAT THEY ARE; NOT WHERE THEY LIVE

It is about time we gave up this hypocrisy and recognized people for what they are, not according to our prejudices. I have faith that people if represented approximately in proportion to their population will get legislation which in the main will conform to the interests of the people.

If any of my downstate friends in Illinois doubt this, let me say that the Chicago delegation and the Illinois Legislature generally vote for the benefit of downstate. We support the Rural Electrification Administration even though there is not a single cooperative light bulb in the city of Chicago. The Representatives from Chicago do that in Congress. While the Republican downstate representatives generally vote against REA in the legislature—and in Congress almost invariably. I could continue for some time. Let me say that the reform movement in this country began in the cities. There were some great mayors in the region around the Great Lakes. There was Golden Rule Jones of Toledo who was succeeded by Brand Whitlock, and for 16 years they gave that city one of the most immaculate administrations it ever had. They were attacked by predatory groups at the time, but they really tried to apply the Golden Rule.

Over in Cleveland, Tom L. Johnson the millionaire, who saw the light, tried to make Cleveland a great city. He was opposed by Mark Hanna and the group around Mark Hanna. In St. Louis Joseph W. Folk fought for civic reforms.

Up in Detroit there was a man who is now somewhat forogtten but whose statue fortunately still stands in Cadillac Square in Detroit—Pingre—who was mayor.

These reformers started an awakening to decency in the 1890's, and in the early days of the 20th century, which spread into State governments and into Bob LaFollette's Wisconsin and Altgelt's Illinois. That movement has not died down but is still going and some of us like to think, that we are trying our best, to continue that tradition.

Mr. President, I shall return to this subject later when we come back after Atlantic City, but I wish to say that no more dangerous set of measures has ever been proposed than the Dirksen amendment and the Tuck bill. I hope that in the 10 days breathing spell which we now have, the people and the individual Members of Congress may go into them in detail and recognize the threat which they constitute.

Mr. President, I yield the floor.

PROGRESS IN LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, another week has concluded, and again the Senate has made significant progress toward completing its work. This week's acomplishments are most noteworthy.

We cleared for the President the State, Justice, Commerce appropriations bill through the efforts of the distinguished chairman of that Subcommittee on Appropriations [Mr. McCLELLAN] and the ranking minority member [Mrs. SMITH].

We cleared for the President the so-called meat import bill through the efforts of the distinguished chairman of the Committee on Finance, Senator BYRD of Virginia, and the cooperation of the ranking minority member of the committee, Senator WILLIAMS of Delaware. I had a particular interest in this bill. I again want to thank the chairman and all members of the committee for their consideration and willingness to meet, with appropriate legislation, this critical situation.

We cleared for the President the interest equalization tax legislation through the efforts and skill of the distinguished Senator from Louisiana [Mr. LONG] and the cooperation of the distinguished Senator from New York [Mr. JAVITS] and the distinguished Senator from Utah [Mr. BENNETT], both of whom presented their opposition to the legislation ably and thoroughly, but concisely, and in as expeditious a manner as possible.

We passed the Labor-HEW appropriations bill through the effort and skill of the distinguished Senator from West Virginia [Mr. BYRD], who was called upon to present the bill on such short notice due to the hospitalization of the distinguished chairman of the subcommittee [Mr. HILL].

The bill was presented and passed expeditiously through the efforts and cooperation of the ranking minority member of the subcommittee [Mr. COTTON] and the distinguished Senator from Mississippi [Mr. STENNIS] and the distinguished Senator from Wisconsin [Mr. PROXMIRE] and the Senator from Ohio [Mr. LAUSCHE], both of whom presented their opposition in a most constructive manner; and the distinguished Senator from New York [Mr. JAVITS] and the Senator from Texas [Mr. YARBOROUGH], who presented their views and suggestions for improvement most ably and succinctly.

We cleared for the President the housing bill through the efforts of the distinguished chairman of the Subcommittee on Housing [Mr. SPARKMAN] and the distinguished Senator from New York [Mr. JAVITS].

We cleared for the President the military construction bill through the skill and efforts of the distinguished Senator from Mississippi [Mr. STENNIS] and the cooperation of the distinguished Senator from Massachusetts [Mr. SALTONSTALL].

We cleared for the President the Northwest power bill through the efforts of the distinguished Senator from Washington [Mr. JACKSON], the distinguished Senator from California [Mr. KUCHEL], and the Senator from Colorado [Mr. ALLOTT] and others.

We cleared for the President the Wilderness System legislation through the skill and efforts of the distinguished Senator from New Mexico [Mr. ANDERSON] and the distinguished Senator from Colorado [Mr. ALLOTT].

We cleared for the President the agricultural appropriations bill through the efforts of the distinguished chairman of that subcommittee [Mr. HOLLAND] and the distinguished ranking Republican Member, the Senator from North Dakota [Mr. YOUNG].

We cleared for the President the migratory workers bill through the efforts of the distinguished Senator from New Jersey [Mr. WILLIAMS] and the distinguished Senator from New York [Mr. JAVITS].

We cleared for the President the Fire Island National Park bill through the efforts of the distinguished Senator from Nevada [Mr. BIBLE] and the distinguished Senators from New York [Mr. KEATING and Mr. JAVITS].

The program this week again should make each Member of this body—Republican and Democrat—experience a genuine sense of accomplishment. Again, I must pay special tribute to the distinguished minority leader [Mr. DIRKSEN] for the exemplary spirit of cooperation he engenders in every Member.

The record of this body these past few weeks is but indicative of the truly outstanding accomplishments performed in this session of the Congress. As we get ready to recess in the next hour or so to ready ourselves for the festivities in Atlantic City—when I speak of festivities, I speak of the Democrats only; the Re-

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